



400 NE 50th Street
Oklahoma City, OK 73105

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Mark Lewandowski, Chair
Jim Consedine, Member
Bill Moore, Member

Melanie Maxwell, Member, Co-Chair
Rose Thomas-Bendel, Member
Kimberly Baker, Member

**PATIENT'S RIGHT TO PHARMACY CHOICE COMMISSION
SPECIAL MEETING - MINUTES
SEPTEMBER 16, 2021**

The Pharmacy Choice Commission Committee, established pursuant to the provisions of the Act, held a special session meeting on September 16, 2021 at 10:00 a.m. The meeting was held in person from the offices of the Oklahoma Insurance Department at 400 NE 50th St. Oklahoma City, Oklahoma. In compliance with the Open Meeting Act, 25O.S. 301 et seq. the agenda for this meeting was posted at the main entrance of the Oklahoma Insurance Department at 400 NE 50th St. Oklahoma City, Oklahoma and transmitted to the offices of the Pharmacy Choice Commission members.

I. Call to Order

Kelli Price, Managing Counsel, called the meeting to order at 10:00 a.m.
A roll call of Commission members was called to establish a quorum.

II. Commission roll call

Commission members present were:

Mark Lewandowski
Melanie Maxwell
Bill Moore
Rose Thomas-Bendel
Kimberly Baker

Based on the result of the roll call, a quorum was declared present.

III. Status of Oklahoma Attorney General's appointee to the Commission

Ms. Price spoke to Associate Attorney General Tim Downing on the preceding Monday. He informed her that Attorney General O'Connor has not yet made an appointment to the Commission. But they hope to have an appointee soon.

IV. Discussion & consideration of voting on an Interim Chair and Interim Co-Chair

The Commission members discussed and nominated Mark Lewandowski as Interim Chair and nominated Melanie Maxwell as Interim Co-Chair of the Commission.

V. Vote on Interim Chair and Interim Co-Chair

The Commission members present voted naming Mark Lewandowski as Interim Chair and naming Melanie Maxwell as Interim Co-Chair of the Commission.



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Insurance Commissioner, Glen Mulready

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VI. Discussion & consideration of Commission communication and procedures

The Commission members present, and Ms. Price discussed email communications and other communication procedures. Ms. Price said she will email the members at their State email addresses and send a notification email to the personal email addresses of the Commission members who wish her to do so.

VII. PCMA v. Mulready Case in OKWD – Review of status and timeline

Ms. Price informed the Commission that currently, the scheduling order in the Mulready litigation provides that Response briefs to the cross-dispositive motions shall be filed by September 30, 2021 and Reply briefs shall be filed by October 8, 2021. It is possible that U.S. District Court may rule in this matter by the end of 2021.

VIII. Overview of PBM related statutes and administrative rules that may need clarification and/or revisions

The Commission and Ms. Price reviewed some statutes in the Patient's Right to Pharmacy Choice Act and in Title 59 and discussed some areas that may need further clarification through legislation and/or rules.

IX. Updates on Referrals to Legal from OID - PBM Compliance and pending legal actions

a. Kelli Price, Managing Counsel, OK Insurance Department

Ms. Price gave a brief overview of the number of cases that have been referred to legal for enforcement action and their status.

X. Set hearing/meeting dates for October and November 2021

Hearing / Special meeting dates set for Commission on October 21, 2021 and December 16, 2021.

XI. Adjournment

There being no new business, motioned to adjourn. Motion was approved. Adjournment: 12:00 p.m. Next meeting: October 21, 2021.

Benna Nye
Administrative Assistant